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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,140	03/06/2001	Robert Olan Keith JR.	ABREAU-00106	6018
28960	7590	01/03/2006	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,140

Applicant(s)

KEITH, ROBERT OLAN

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 - 11, 14 - 21, 24 - 31, and 34 - 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 - 11, 14 - 21, 24 - 31, and 34 - 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is response to amendments filed on 10/19/2005.
2. Applicant's amendments to claims 1 – 38 are acknowledged. Consequently, claims 1, 11, 21, 31, have been amended. Claims 2 – 3, 12 – 13, 22 – 23, and 32 – 33 have been canceled. Claims 1, 4 – 11, 14 – 21, 24 – 31, and 34 – 38 are pending.

Terminal Disclaimer

3. The terminal disclaimer filed on 10/19/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the 111 statutory term defined in 35 U.S.C. j 154 to 156 and 173 of United States Patent Application Numbers 09/801,138, 09/801,072, 09/801,076, 09/800,592, 09/800, 566, 09/800,607 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 11, 21,31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

When regarding in light of Fig. 1, the claim language “utilizing a search module” in limitation (c) should be “utilizing a research module” since the invention, especially in Fig. 1,describes five

modules; namely Keyword search module, Parametric search module, Dichotomous key module, Hierarchical tree module. It is not clear which search module that is being referred by in claim 1. Therefore, renders the claim vague and indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6 – 11, 16 – 21, 26 – 31, 36 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger Jr. et al (U.S. 5,778,367) in view of Anthony Stuart (U.S. 5,613,110).

♦ As per claims 1, 11, 21, 31,

Wesinger teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See col. 10, lines 61 – 62 of Wesinger.
- “The directory tree structure includes nodes ... branches” See col. 10, lines 61 - 65. Each category corresponds to a node. All nodes are linked together.
- “Each related item of data is categorized by a navigation path through the directory tree structure and by one or more parameters” see col. 4, lines 39 – 50, col. 6, lines 44 - 50 of Wesinger.

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- “ Each parameter is set with a corresponding value associated with the data item thereby forming a set parameter” see col. 10, lines 65 – col. 11, lines 4 of Wesinger.
- Users access the directory by a query. The query includes keywords that defined the navigation path. Users access the directory by a query (see col. 10, lines 65 – col. 11, lines 4 of Wesinger. A user can specify the resource by selecting a category and set up one or more set parameters); therefore the navigation path is defined by a query language string.
- “ Manually traversing the navigation path through the directory tree structure to access the node utilizing a search module including keyword search, hierarchical search, dichotomous key search, and parametric search, wherein each utilization includes availability of each search” See Fig. 2H. In fig. 2H, Wesinger also allows the users multiple search methods, including:
 - Keyword search
 - Hierarchical search corresponds to categories search
 - Parametric search corresponds to Example search

Wesinger clearly discloses a query language string which is a command string written according to a query language (See col. 4, lines 8 – 11 of Wesinger).

The Wesinger reference fails to disclose the dichotomous key search. However, this method search is a well known in the art. Stuart provides an example of it.

Stuart teaches that a dichotomous key search is used to search for data in the database (See Abstract).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Stuart into the invention of Wesinger because Wesinger suggested that multiple search method are available for user and the combination would reduce the memory access when using binary search, and providing user more search methodologies.

♦ As per claims 6, 16, 26, 36, the combination of Wesinger and Stuart disclose:

- “The related data includes one or more of text, graphics, objects, links to other nodes within the directory tree structure” see col. 4, lines 39 – 50, col. 6, lines 44 - 50 of Wesinger.

♦ As per claims 7, 17, 27, 37, the combination of Wesinger and Stuart disclose:

- “The searchable database is distributed into more than one physical location” See Fig. 1A, wherein more than one databases are presented.

♦ As per claims 8 - 10, 18 – 20, 28 – 30, 38, the combination of Wesinger and Stuart disclose:

- “Accessing a nodes is performed by a server” See Fig. 2K, col. 5, lines 53 – 55 of Wesinger.
- “Establishing an Internet connection with the server” See Fig. 1A- 1B of Wesinger.

8. Claims 4 – 5, 14 – 15, 24 – 25, 34 – 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger Jr. et al (U.S. 5,778,367) in view of Anthony Stuart (U.S. 5,613,110) as applied to claims above further in view of Drucker et al (U.S 6,292,796).

♦ As per claims 4, 14, 24, 34,

Wesinger and Stuart teach a method for access information in a specific node, but does not clearly teach how the navigation path is saved as the query string.

However, Drucker, on the other hand, discloses a method for searching document by specify the navigation path, such as selecting subjects, keyword search, etc. as illustrated in Fig. 1 (col. 2 line 31 – 48, Drucker). The access mechanism includes user setup which allows user specify search preferences (col. 6 line 63 – col. 7 line 6, Drucker). Those preferences are saved for later modification (See Fig. 10 – 11, Drucker).

By saving the query or search preferences, Drucker teaches, “the navigation path is saved as query string”. It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Drucker about the saving user preferences into the system of Wesinger/Stuart, because the system of Drucker provides a great benefits in saving time for users (col. 1 line 56 – 58, Drucker). The combination of Drucker and Wesinger/Stuart produces a convenience search engine for users, where user does not familiar with the system and does not have a lot of time for a search query.

♦ As per claims 5,15, 25, 35, the combination system of Wesinger/Stuart and Drucker discloses:

The user preferences are saved in the system, so when the new data is available, the user is notified (col. 7 line 54 – 59, Drucker). The user does not need to manually traverse the navigation path to search for information.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 4 – 11, 14 – 21, 24 – 31, and 34 – 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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FRANTZ COBY
PRIMARY EXAMINER

LN